

REMARKS

Claims 7, 8, 10, 13, and 18-31 will be pending in this application following entry of this amendment. Claims 7, 13, and 20 are in independent form. Currently no claims stand allowed.

The Final Office Action makes final the restriction requirement imposed in the previous Office Action. In this response, applicants have canceled, without prejudice, claims 16 and 17, which comprise the non-elected Group II identified in the previous action.

The Final Action rejects claims 7, 8, 10, 13, and 18-31 under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 6,311,209 to Olson et al. (*Olson*) in view of U.S. Patent No. 6,507,863 to Novaes (*Novaes*). Applicants maintain that *Olson*, whether considered alone or in combination with *Novaes*, does not teach their invention as claimed, contrary to what is asserted in the Final Office Action. In particular, the “leader component” of applicants' claims is not analogous to or suggested by the “host client” of *Olson*.

Applicants have amended several of their claims, including the three independent claims, in order to clarify that the “leader component” is a “leader” in the sense that it is the *currently-active* component, *the sole active instance* among several redundant components. See Specification, p. 21. This component is a “leader” in a purely metaphorical sense; it does not actually lead the other redundant components in any way. Indeed, as applicants explained in their response to the previous Office Action, the leader component need not have any involvement with the other redundant components, other than in the mutual exchange of leader-determining information, such as age information. By contrast, the *Olson* host client actually

functions as a leader among the multiple clients, coordinating their access to information and controlling their entry into a session. See, e.g., *Olson*, col. 13, ll. 32-40.

As applicants' claims make clear, applicants' invention is intended to be practiced in a system that has *redundant* instances or copies of a daemon or other component, only one of which (the "leader") is active at a particular time. In the Final Action it is contended that *Novaes* discloses a distributed system having redundant components. Even if this were true, and even if the *Olson* "host client" anticipated the currently-active leader component of applicants' claims, which it does not, there is no basis for the Examiner's conclusion that "[i]t would have been obvious to one of ordinary skill in the art at the time of the invention to modify Olson by specifying the client nodes as redundant components . . . to provide the functionality of preserving current application state information or fault tolerance" (Final Office Action, p. 3).

An obviousness rejection requires a showing of "some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art . . . to combine reference teachings." MPEP § 706.02(j); *id.* at § 2145. "The references must be considered as a whole and must suggest the desirability and thus the obviousness of making the combination" *Id.* at § 2141 (citing *Hodosh v. Block Drug Co., Inc.*, 786 F.2d 1136, 1143 n.5, 229 USPQ 182, 187 n.5 (Fed. Cir. 1986)). There is no suggestion or motivation to make the proposed modification if the proposed modification would render the prior art unsatisfactory for its intended purpose or change the principle of operation of the prior art invention being modified. MPEP § 2143.01. Here the Examiner's proposed modification would

apparently involve “specifying” the clients of *Olson* as redundant components. However, the *Olson* clients are distinct participants in an application session, such as players in a game. Making them redundant with respect to one another would destroy their basic function (for example, a multi-player game session would presumably no longer be possible).

Applicants have amended independent method claims 7 and 20 to clarify that they are directed to *weak* election of a currently-active leader component. As stated in applicants' specification: “The approach is weak in that only the leader instance knows that it is the leader instance. Other instances only know that they are not the leader instance.” Specification, p. 21. As amended, claims 7 and 20 make clear that if a component determines that it is not the currently-active leader component then it does not know which of the other redundant components *is* the currently-active leader component.

The Final Office Action asserts that “Olson reads on the claimed language of weak leader” (Final Office Action, p. 7) and, in discussing the rejection of independent claim 13, suggests that *Olson* teaches weak leader election (see Final Office Action at p. 4), citing columns 8-11 of *Olson*. Apart from the fact that the Olson “host client” is unanalogous to the currently-active leader component of applicants' claims, there is nothing in the cited portion of *Olson* or any other part of the *Olson* patent that refers to a scheme in which only the selected host client knows that it is the host client. Indeed, as applicants explained in their response to the previous Office Action, the other clients in *Olson* necessarily gain knowledge of and communicate with the host. For example, a client requests admission to an application session by way of

communication with a particular host, *Olson*, col. 7, ll. 10-12, and a host client transmits current application data to a newly-admitted client, *id.* at col. 8, ll. 40-42.

For at least the reasons given above, applicants' claims are allowable over the cited references. Therefore, applicants respectfully request that the rejections of these claims be withdrawn and that the claims, as amended herein, be allowed. Applicants respectfully request that the amendments to the claims contained in this response be entered, because the amendments clarify the distinctions between applicants' invention and the references cited by the Examiner and thus place the application in condition for allowance or else in better form for appeal.

CONCLUSION

The application is considered to be in good and proper form for allowance, and the Examiner is respectfully requested to enter the amendments and pass this application to issue.

If, in the opinion of the Examiner, a telephone conference would expedite the prosecution of the subject application, the Examiner is invited to call the undersigned attorney.

Respectfully submitted,

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